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# COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

HYBRID PHTHALOCYANINE DERIVATIVES AND THEIR USES specification of which

is attached hereto.

X was filed on 3/22/96 as Application Serial No. 08/620597.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Timothy J. Lithgow, Reg. No. 36,856

Kindly recognize as associate attorney:

Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr. Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,035; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriener, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Robert C. Laurenson, Reg. No. 34,206; Suzanne L. Biggs, Reg. No. 30,158; Steven M. Weiss, Reg. No. 37,534; Matthew W. Knight, Reg. No. 36,846; Richard J. Warburg, Reg. No. 32,327; Jessica R. Wolff, Reg. No. 37,261; Sheldon O. Heber, Reg. No. 38,179; Jeffrey W. Guise, Reg. No. 34,613; F.T. Alexandra

Mahaney, Reg. No. 37,668; Charles S. Berkman, Reg. No. 38,077; Anthony C. Chen, Reg. No. 38,673; and Timothy J. Lithgow, Reg. No. 36,856; of LYON & LYON, First Interstate World Center, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071-2066, telephone (213) 489-1600.

Address all telephone calls to Timothy J. Lithgow at telephone no. 619-552-8400

Address all correspondence to First Interstate World Center, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071-2066

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Full name of sole or first inventor Kenneth F. Buechler

Inventor's signature Kenneth F. Buechler Date: 5/31/96

Residence 12523 Manifesto Place, San Diego, California 92071

Citizenship United States of America

Post Office Address \_\_\_\_\_

Full name additional inventor Joseph B. Noar

Inventor's signature J. B. Noar Date: 5/31/96

Residence 324 Via Chica Court, Solana Beach, California 92075

Citizenship United States of America

Post Office Address \_\_\_\_\_

Full name additional inventor Lema Tadesse

Inventor's signature L. Tadesse Date: 5/31/96

Residence 8580-8 New Salem Street, San Diego, California 92126

Citizenship United States of America

Post Office Address \_\_\_\_\_

Applicant or Patentee: Kenneth Buechler, Joseph B. Noar, and, Lema Tadesse  
 Serial or Patent No.: 08/620,597  
 Filed or Issued: March 22, 1996  
 For: HYBRID PHTHALOCYANINE DERIVATIVES AND THEIR USES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(d) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: BIOSITE DIAGNOSTICS, INC.  
 ADDRESS OF CONCERN: 11030 Roselle Street, Suite D, San Diego, CA 92121

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above-entitled invention, by inventor(s) Kenneth F. Buechler, Joseph B. Noar, and, Lema Tadesse described in

☐ the specification filed herewith  
☒ application serial number 08/620,597 filed March 22, 1996  
☐ Patent No. \_\_\_\_\_ issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

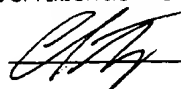
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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Christopher W. Twomey  
 TITLE OF PERSON OTHER THAN OWNER: Vice President  
 ADDRESS OF PERSON SIGNING: 11030 Roselle Street, Suite D  
San Diego, CA 92121

Signature



Date

6/26/96



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

NOVEMBER 08, 1996

PTAS

LYON & LYON  
TIMOTHY J. LITHGOW  
633 WEST FIFTH STREET  
SUITE 4700  
LOS ANGELES, CA 90071-2066



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1c973 U.S. PTO  
09/776599



UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, - BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/25/1996

REEL/FRAME: 8112/0588  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BUECHLER, KENNETH F.

DOC DATE: 05/09/1996

ASSIGNOR:

NOAR, JOSEPH B.

DOC DATE: 05/09/1996

ASSIGNOR:

TADESSE, LEMA

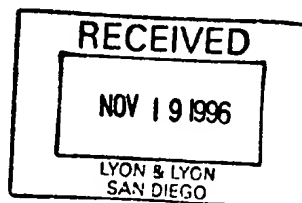
DOC DATE: 05/09/1996

ASSIGNEE:

BIOSITE DIAGNOSTICS INCORPORATED  
11030 ROSELLE STREET  
SUITE D  
SAN DIEGO, CALIFORNIA 92121

SERIAL NUMBER: 08620597  
PATENT NUMBER:

FILING DATE: 03/22/1996  
ISSUE DATE:



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8112/0588 PAGE 2

JACQUELINE MOORE, EXAMINER  
ASSIGNMENT DIVISION  
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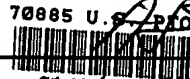
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To the Honorable Commissioner of Patents and Trademarks: please return the attached original documents or copies of them.

1. Name of conveying party(ies):

Kenneth F. Buechler  
Joseph B. Noar  
Lema Tadesse



Additional name(s) of conveying party(ies) attached? ☐ Yes No ☒

3. Nature of conveyance:

x Assignment

x

x

Execution Date: May 9, 1996

2. Name and address of receiving party(ies)

Name: BIOSITE DIAGNOSTICS INCORPORATED

Internal Address: \_\_\_\_\_

Street Address: 11030 Roselle Street

Suite D

City: San Diego State: CA Zip: 92121

Additional name(s) & address(es) attached? ☐ Yes No ☒

4. Application number(s) or patent number(s): 08/620,597

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes No ☒

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Timothy J. Lithgow

Internal Address: LYON & LYON

Street Address: 633 West Fifth Street

Suite 4700

City: Los Angeles State: CA Zip: 90071-2066

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$40.00

x Enclosed

x

8. Deposit account number:

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Timothy J. Lithgow  
Name of Person Signing

Timothy J. Lithgow  
Signature

330 AG 08/01/96 08620597

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40.00 CK May 1996

Date

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Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

**ASSIGNMENT**

For valuable consideration, we, Kenneth F. Buechler of 12523 Manifesto Place, San Diego, California 92071; Joseph B. Noar of 324 Via Chica Court, Solana Beach, California 92075; and, Lema Tadesse of 8580-8 New Salem Street, San Diego, California 92126, hereby assign to Biosite Diagnostics Incorporated, a Delaware corporation having a place of business at 11030 Roselle Street, Suite D, San Diego, CA 92121, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are the subject of an application for United States Patent filed on March 22, 1996, U.S. Serial No. 08/620,597, entitled HYBRID PHTHALOCYANINE DERIVATIVES AND THEIR USES, this assignment including said application, any and all United States and foreign patents granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our name or in its own name for patents and like rights of exclusion and for inventors' certificates for said inventions and improvements; and we agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this Assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at \_\_\_\_\_, \_\_\_\_\_ this 9<sup>th</sup> day of May, 1996

Kenneth F. Buechler  
Kenneth F. Buechler

State of California :  
County of San Diego : ss.

Before me this 9<sup>th</sup> day of May, 1996, personally appeared Kenneth F. Buechler known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

[Notary's  
Seal Here]



Tania Timons  
Notary Public

My commission expires: 12/2/97



IN WITNESS WHEREOF, I hereto set my hand and seal at \_\_\_\_\_, \_\_\_\_\_ this 9<sup>th</sup> day  
of May, 1996

Joseph B Noar  
Joseph B. Noar

State of California :  
County of San Diego : SS.

Before me this 9<sup>th</sup> day of May, 1996 personally appeared  
Joseph B. Noar known to me to be the person whose name is subscribed to the foregoing  
Assignment and acknowledged that he executed the same as his free act and deed for the purposes  
therein contained.

[Notary's  
Seal Here]



Tania Timons  
Notary Public

My commission expires: 12/2/97

IN WITNESS WHEREOF, I hereto set my hand and seal at \_\_\_\_\_, \_\_\_\_\_ this 9<sup>th</sup> day  
of MAY, 1996.

Lema Tadesse  
Lema Tadesse

State of California :  
County of San Diego : SS.

Before me this 9<sup>th</sup> day of May, 1996 personally appeared  
Lema Tadesse known to me to be the person whose name is subscribed to the foregoing  
Assignment and acknowledged that he executed the same as his free act and deed for the purposes  
therein contained.

[Notary's  
Seal Here]



Tania Timons  
Notary Public

My commission expires: 12/2/97